

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

AMENDED IN ASSEMBLY MARCH 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1767

Introduced by Assembly Member Norby

February 17, 2012

An act to ~~amend Section 313 of~~ *add Section 314 to* the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as amended, Norby. Pupils: English learners: ~~reclassification. home language survey: notification letter.~~

Existing law requires each school district that has one or more pupils who are English learners and, to the extent required by federal law, each county office of education and each charter school to assess the English language development of its pupils in order to determine the level of proficiency of the pupils. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

This bill would require the department to make available to public schools in the state a sample notification letter, to be provided with the home language survey, that explains to parents or legal guardians of pupils the purpose of the home language survey and the procedures for identification and reclassification of English learner pupils. The bill also would require local educational agencies, when conducting the

home language survey, to provide the notification letter to the parents or legal guardians of pupils in that local educational agency. To the extent this bill would require local educational agencies to perform additional duties, the bill would impose a state-mandated local program.

~~Existing law requires each school district that has one or more pupils who are English learners, and to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires annual assessments to continue until a pupil is redesignated as English proficient and requires the assessment to utilize primarily the English language development test identified or developed by the Superintendent of Public Instruction pursuant to specified provisions.~~

~~The Leroy Greene California Assessment of Academic Achievement Act requires school districts, charter schools, and county offices of education to administer to each of their pupils in grades 2 to 11, inclusive, certain achievement tests, including the standards-based achievement tests that are part of the Standardized Testing and Reporting (STAR) Program.~~

~~This bill would require that a pupil in any of grades 3 to 11, inclusive, be eligible to be reclassified as fluent English proficient if the pupil attains the proficient level of performance on the English language arts STAR test, a score of intermediate or above on all portions of the California English Language Development Test, and a 3.0 grade point average at the end of the school year, and, upon attainment of these requirements, would require the pupil to be reclassified as fluent English proficient upon verified approval submitted by the pupil's parent or legal guardian. To the extent this bill would require local educational agencies to perform additional duties regarding the reclassification of English learners, the bill would impose a state-mandated local program.~~

~~The bill would authorize a school district to continue to receive state funding designated for its English learners for up to 2 years after the pupil has been reclassified as fluent English proficient, and would state the intent of the Legislature that the school district use the funding for the purpose of monitoring pupils who have been reclassified as fluent English proficient for up to 2 years. The bill also would correct some cross-references.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 314 is added to the Education Code, to
2 read:

3 314. (a) The department shall make available to public schools
4 in the state a sample notification letter, to be provided with the
5 home language survey, that explains to parents or legal guardians
6 of pupils the purpose of the home language survey and the
7 procedures for identification and reclassification of English learner
8 pupils.

9 (b) When conducting the home language survey, local
10 educational agencies shall provide the notification letter described
11 in subdivision (a) to the parents or legal guardians of pupils in
12 that local educational agency.

13 SECTION 1. ~~Section 313 of the Education Code is amended~~
14 to read:

15 ~~313. (a) Each school district that has one or more pupils who~~
16 ~~are English learners and, to the extent required by federal law,~~
17 ~~each county office of education and each charter school shall assess~~
18 ~~the English language development of each pupil in order to~~
19 ~~determine the level of proficiency for purposes of this chapter.~~

20 ~~(b) The department, with the approval of the state board, shall~~
21 ~~establish procedures for conducting the assessment required~~
22 ~~pursuant to subdivision (a) and for the reclassification of a pupil~~
23 ~~from English learner to English proficient.~~

24 ~~(c) Commencing with the 2000–01 school year until subdivision~~
25 ~~(d) is implemented, the assessment shall be conducted upon initial~~
26 ~~enrollment, and annually thereafter, during a period of time~~
27 ~~determined by the Superintendent and the state board. The annual~~
28 ~~assessments shall continue until the pupil is reclassified as English~~
29 ~~proficient. The assessment shall primarily utilize the English~~
30 ~~language development test identified or developed by the~~

1 Superintendent pursuant to Chapter 7 (commencing with Section
2 60810) of Part 33 of Division 4 of Title 2.

3 (1) (A) A pupil in any of grades 3 to 11, inclusive, shall be
4 eligible to be reclassified as fluent English proficient if the pupil
5 attains all of the following:

6 (i) The proficient level of performance on the English language
7 arts test administered pursuant to Article 4 (commencing with
8 Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2.

9 (ii) The score of intermediate or above on all portions of the
10 California English Language Development Test.

11 (iii) A 3.0 grade point average at the end of the school year.

12 (B) Upon attaining the requirements of subparagraph (A), a
13 pupil shall be reclassified as fluent English proficient upon verified
14 approval submitted by the pupil's parent or legal guardian.

15 (2) (A) A school district may continue to receive state funding
16 designated for its English learners for up to two years after the
17 pupil has been reclassified as fluent English proficient.

18 (B) It is the intent of the Legislature that the school district use
19 the funding pursuant to this paragraph for the purpose of
20 monitoring pupils who have been reclassified as fluent English
21 proficient for up to two years.

22 (d) (1) This subdivision shall not be implemented unless and
23 until the department receives written documentation from the
24 United States Department of Education that federal law permits
25 the implementation of the changes set forth in this subdivision or
26 until the 2013-14 school year, whichever occurs later.

27 (2) The assessment shall be conducted annually during a period
28 that commences on the day upon which 55 percent of the
29 instructional year is completed through July 1 of that calendar
30 year. Annual assessments shall continue until the pupil is
31 reclassified as English proficient. The annual assessment shall
32 primarily utilize the English language development test identified
33 or developed by the Superintendent pursuant to Chapter 7
34 (commencing with Section 60810) of Part 33 of Division 4 of Title
35 2.

36 (3) The assessment shall be conducted upon the initial
37 enrollment of a pupil in order to provide information to be used
38 to determine if the pupil is an English learner.

39 (A) If the initial enrollment of a pupil occurs on a date outside
40 of the testing period identified pursuant to paragraph (2), the prior

1 year's annual assessment for the grade in which the pupil is
2 enrolling shall be used for this purpose.

3 (B) If the initial enrollment of a pupil occurs on a date within
4 the testing period identified pursuant to paragraph (2), the initial
5 assessment of the pupil shall be conducted as part of the annual
6 assessment conducted pursuant to paragraph (2).

7 (4) Notwithstanding paragraph (2), a school district shall assess
8 the English language development of a pupil pursuant to this
9 section no more than one time per school year.

10 (e) The assessments conducted pursuant to subdivision (d) shall
11 be conducted in a manner consistent with federal statutes and
12 regulations.

13 (f) The reclassification procedures developed by the department
14 shall utilize multiple criteria in determining whether to reclassify
15 a pupil as proficient in English, including, but not limited to, all
16 of the following:

17 (1) Assessment of language proficiency using an objective
18 assessment instrument, including, but not limited to, the English
19 language development test that is developed or acquired pursuant
20 to Section 60810.

21 (2) Teacher evaluation, including, but not limited to, a review
22 of the pupil's curriculum mastery.

23 (3) Parental opinion and consultation.

24 (4) Comparison of the performance of the pupil in basic skills
25 against an empirically established range of performance in basic
26 skills based upon the performance of English proficient pupils of
27 the same age, that demonstrates whether the pupil is sufficiently
28 proficient in English to participate effectively in a curriculum
29 designed for pupils of the same age whose native language is
30 English.

31 (g) This section does not preclude a school district or county
32 office of education from testing English learners more than once
33 in a school year if the school district or county office of education
34 chooses to do so.

35 SEC. 2. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O